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7 Robar Enterprises, Inc.; and CJR, a general partnership

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10 **ANTELOPE VALLEY GROUNDWATER**
11 **CASES**

12 **Included Actions:**

13 Los Angeles County Waterworks District No. 40 v.
14 Diamond Farming Co.,
15 Superior Court of California, County of Los
16 Angeles, Case No. BC 325201

17 Los Angeles County Waterworks District No. 40 v.
18 Diamond Farming Co.,
19 Superior Court of California, County of Kern, Case
20 No. S-1500-CV-254-348

21 Wm. Bolthouse Farms, Inc. v. City of Lancaster;
22 Diamond Farming Co. v. City Lancaster; Diamond
23 Farming Co. v. Palmdale Water Dist.,
24 Superior Court of California, County of Riverside,
25 Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

26 **Judicial Council Coordination**
27 **No. 4408**

28 For filing purposes only:
Santa Clara Case No.
1-05-CV-049053

DECLARATION OF STEVE
CORTNER AS AN EXPERT
WITNESS IN SUPPORT OF THE
ROBAR PARTIES' GROUNDWATER
PUMPING PROVE-UP

Assigned to the
Honorable Jack Komar

DECLARATION OF STEVE CORTNER

1. I have 43 years of experience in the mining, asphalt and ready mix concrete industry, including extensive operational experience in aggregate plant planning and construction oversight. Attached to this declaration are copies of my statement of qualifications (Exhibit 1) and my biography (Exhibit 2). I have personal knowledge of the facts in this declaration and, if called upon as a witness, could competently testify thereto.

2. I have reviewed the Robar financial records that are exhibits 2 and 3 to the Declaration of Lori Clifton in Lieu of Phase VI Trial Testimony. I have reviewed the Robar

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1 laboratory test results that are exhibit 4 to the Declaration of Lori Clifton in Lieu of Phase VI
2 Trial Testimony. And I have spoken by telephone with Robar representatives regarding their
3 business operations.

4 3. My professional estimate is that 40 gallons of water is used to manufacture each
5 cubic yard of ready mix concrete. Based on my estimate and the applicable financial records,
6 the Robar parties used 12.55 acre feet of water during the 2011-2012 fiscal year and 13.68 acre
7 feet of water during the 2012-2013 fiscal year in the manufacture of ready mix concrete.

8 4. My professional estimate is that 22 gallons of water is used in the wash down
9 and clean up of each cubic yard of ready mix concrete that is manufactured. Based on my
10 estimate and the applicable financial records, the Robar parties used 6.9 acre feet of water
11 during the 2011-2012 fiscal year and 7.52 acre feet during the 2012-2013 fiscal year in the
12 wash down and clean up of ready mix concrete.

13 5. My professional estimate is that 52 acre feet of water, per year, is used for dust
14 control in the manufacture of ready mix concrete.

15 6. Based on the preceding three paragraphs of this declaration, I estimate that the
16 Robar parties used a grand total of 71.45 acre feet during the 2011-2012 fiscal year and 73.2
17 acre feet during the 2012-2013 fiscal year in the manufacture ready-mix concrete.

18 7. The totals above exclude the water used in the second portion of the Robar
19 parties' business, the manufacture and sale of aggregates (rock and sand). Based on the
20 financial records, my professional estimate is that during both fiscal years in issue, the Robar
21 parties manufactured aggregates at a rate of roughly 350 tons per hour. The quantity of water
22 used in the manufacture of 350 tons per hour ranges from 400 to 800 gallons per minute, and
23 depends upon: (a) the amount of fines in the aggregates (or in other words the cleanliness of
24 the aggregates); and (b) the quantity of water recycled during the manufacturing process.

25 8. Attached to this declaration as Exhibit 3 is my analysis/estimate of the range of
26 water quantities used by the Robar parties in their production of aggregate materials during the
27 fiscal years in question, taking into account the cleanliness of the washed aggregate material as
28 documented in the laboratory tests (Exhibit 4 to the Lori Clifton in Lieu of Phase VI Trial
Testimony), and making reductions in ten percent intervals between 40% and 80%,
representing the quantity of recycled water used in the production process, an unknown
variable. On the low side, assuming that 40% of the water used in the manufacturing process

1 was recycled, the Robar parties used 651 acre feet of water during the fiscal years in issue. On
2 the high side, assuming that 80% of the water used in the manufacturing process was recycled,
3 the Robar parties used 217 acre feet of water during the fiscal years in issue.

4 9. When you combine the Robar parties' water usage for the production of ready
5 mix concrete (71.45 AFY in 2011-2012; 73.2 AFY in 2012-2013) with its water usage for the
6 production of aggregates (between 271 and 651 AFY), the grand total water usage for the years
7 in issue lies somewhere between 342 and 724 acre feet per year.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed this 4 day of January, 2016 at Yucaipa, California.

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12
13 
14 Steve Cortner
Declarant